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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,911	08/24/2001	James P. Campbell	020472-000410US	3323

7590 11/25/2003
Karl D. Kovach, Senior Patent Attorney
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7444 West Wilson Avenue
Chicago, IL 60706

EXAMINER

PATEL, TULSIDAS C

ART UNIT	PAPER NUMBER
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2839

DATE MAILED: 11/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,911

Applicant(s)

CAMPBELL, JAMES P.

Examiner

T. C. Patel

Art Unit

2839

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10, 14 and 18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-10, 14 and 18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other.

DETAILED ACTION

General Status

1. This is a Final Action on the Merits. Claims 8-10, 14 and 18 are pending in the case.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-10, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pan et al.

Pan et al. in figures 11, 17 and 25 discloses a plurality of coupler 271, 272, 273, 274, 277, 276, wherein each of the coupling assembly comprises two collimators 74, 75 with a filter 44 in-between and respective sides also include one/two waveguides 73, 78 and therefore coupling assembly 271 (equal to first I/O waveguide 430 of the instant invention, collimator assemblies 440, including waveguide assembly 442 with fourth and fifth wave guides, first GRIN 444, first filter 448, second GRIN 450, and sixth waveguide of collimator assembly 450), the coupler 271 receives wavelengths $\lambda_2\lambda_4\lambda_6\lambda_8$ (equal to colors 1-4 of the instant invention), the coupler reflects wavelengths $\lambda_2\lambda_4$ (equal to colors 1 and 3 of the instant invention) and allows wavelengths $\lambda_6\lambda_8$ (equal to colors 2 and 4 of the instant invention) to pass to coupler 273 (which is equal to fifth collimator assembly 460 including waveguide assembly

with tenth and eleventh waveguides, fifth GRIN, filter 468, sixth collimator assembly 470 including sixth GRIN and twelfth waveguide of the instant invention). Coupler 273 reflects the wavelength λ_6 (equal to color 4 and collimator assembly 460 of the instant invention) and allows wavelength λ_8 to pass as an I/O waveguide output (equal to first color 2 of the instant invention). Also, the reflected wavelengths $\lambda_2\lambda_4$ from coupler 271 is passed on to coupler 272 (equal to colors 1 and 3 and collimator assembly 480 and 490). The collimator assembly 272 reflects wavelength λ_2 (equal to color 3) and allows wavelength λ_4 (equal to color 1) to pass. The parts of the couplers are described in figure 11, which has GRIN lenses 74, 75 and filter 44 and one side is an input and the other side is an output. Each GRIN lens is associated with two waveguides or channels (only one channel may be used). Figure 16 and 17 also discloses the couplers enclosed in a housing and also part of the coupler projects out of the housing. However, the filter is not disclosed as short pass filter or curved filter and also the specific separation between the adjacent filters or specific wavelengths. These would depend on design parameters and are considered as matter of design choice, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select single pass or curved filters or specific separation distance between the single pass filters and specific wavelengths, in order to obtain desired separation of frequencies or channels.

Change of Address

4. Effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address. Correspondence in patent-related matters to organizations reporting to the Commissioner for Patents must now be addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivery of response should be brought to:

Crystal Plaza-4, Fourth floor (receptionist)
2201 South Clark Place, Arlington, Virginia

Response to Arguments

5. Applicant's arguments filed 10/22/2003 have been fully considered but they are not persuasive. The disclosure of Pan et al. discloses all the claimed elements including newly added limitations related to the housing hence the rejection is made final.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Application/Control Number: 09/938,911
Art Unit: 2839

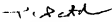
Page 5

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to T. C. Patel whose telephone number is (703) 308-1736. The examiner can normally be reached on 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (703) 308-2710. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.


T. C. Patel
Primary Examiner
Art Unit 2839

tcp
November 19, 2003.